

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LEILA GREEN LITTLE, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	1:22-CV-424-RP
	§	
LLANO COUNTY, et al.,	§	
	§	
Defendants.	§	

ORDER

Before the Court is Plaintiffs’ Opposed Motion to Compel Production of Documents (Dkt. #124).¹ After reviewing all the relevant briefing and receiving oral arguments, and reviewing the entire case file, the court **DENIES** the Motion.

Plaintiffs sought production of various communications, which otherwise are subject to attorney-client privilege, contending that the privilege had been waived by Defendants’ Counsel.² Pursuant to the court’s instruction at the April 27, 2023 hearing, Defendants’ Counsel provided the relevant communications to the court, which the court reviewed in camera.³ Upon review, the court concluded that the communications were made for the purpose of facilitating legal services to the client and were not reached by the waiver.⁴ Therefore, they must be kept confidential. *See EEOC v. BDO USA, L.L.P.*, 876 F.3d 690, 695 (5th Cir. 2017).

¹ On March 29, 2023, U.S. District Judge Robert Pitman referred the above motion for disposition pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

² At a hearing on October 31, 2022, U.S. District Judge Robert Pitman determined there had been a limited waiver of attorney-client privilege. *See* Dkt. #148 at 143; *see also id.* at 184–85.

³ The Supreme Court has endorsed the well-established practice of requiring parties who seek to avoid disclosure of documents to make them available for in camera inspection. *See, e.g., U.S. v. Zolin*, 491 U.S. 554, 569 (1989).

⁴ Attorney-client privilege was waived on the topic of whose decision it was to donate books to the Llano County Library. *See* Dkt. #148 at 143; *see also id.* 184–85.

Accordingly, Plaintiffs' Opposed Motion to Compel Production of Documents (Dkt. #124) is **DENIED**.

SIGNED May 2, 2023.



MARK LANE
UNITED STATES MAGISTRATE JUDGE